

To the Honorable Council City of Norfolk, Virginia

January 12, 2016

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_			100

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exception for an eating and drinking establishment - The Pancake House & Grill

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 1/6

Approved:

Marton

Item Number:

R-2

Marcus D. Jones, City Manager

- I. Staff Recommendation: Approval.
- II. Commission Action: By a vote of 6 to 0, the Planning Commission recommends Approval.
- III. Request: Special Exception for an eating and drinking establishment
- IV. Applicant: The Pancake House & G rill

V. Description:

- Granting this request will allow an existing restaurant, The Pancake House & Grill, to relocate to an adjacent bay in the same shopping center where the restaurant is currently located.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their current location.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated December 10, 2015 with attachments
- Proponents and Opponents
- Ordinance



Planning Commission Public Hearing: December 10, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

Staff Report	Item No. 9 7633 Granby Street		
Address			
Applicant	The Pancake House & Grill		
Request	Special Exception	eption Eating and Drinking Establishment	
Property Owner	Nkr Enterprises II, LLC (Nicholas B. Renesis)		
Site Characteristics	Building Area/Space	14,640 sq. ft./1,600 sq. ft.	
	Zoning	C-3 (Retail Center District)	
Site characteristics	Neighborhoods	Wards Corner	
	Character District	Suburban	
	North	C-3: Vacant Retail Space / Dollar Tree	
. "	East	C-3: Midtown Shopping Center	
Surrounding Area	South	C-3: Soaps N Suds Laundry Center	
	West	R-12 (Medium Density Multi-Family): Apartments	



A. Summary of Request

- Granting this request will allow an existing restaurant, The Pancake House & Grill, to relocate to an adjacent bay in the same shopping center where the restaurant is currently located.
- The applicant was granted a special exception for an eating and drinking establishment with alcoholic beverages at their current location.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

- i. General
 - The site is located in the C-3 district, which permits the proposed use by special exception.

	Previous 7631 Granby Street	Proposed 7633 Granby Street
Hours of Operation	6:00 a.m. until 3:00 p.m., Seven Days a Week	6:00 a.m. until 10:00 p.m., Monday through Saturday 7:00 a.m. until 3:00 p.m., Sunday
Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 3:00 p.m., Seven Days a Week	7:00 a.m. until 10:00 p.m., Monday through Saturday 7:00 a.m. until 3:00 p.m., Sunday
Capacity	55 seats indoors 0 seats outdoors 67 total capacity	83 seats indoors seats indoor 0 seats outdoors 99 total capacity

• Special Exception history:

City Council Approval	Applicant	Request
2012	The Pancake House	Eating and Drinking Establishment
Pending	The Pancake House & Grill	 Relocation Increase Seating Modify Hours of Operation and for the Sale of Alcoholic Beverages

ii. Parking

- The site is located in the Suburban Character District, which requires one parking space per 150 square feet of enclosed building area for an eating and drinking establishment.
- The 1,600 square-foot proposed space must provide 10 parking spaces.
- Parking spaces located in the front of the property and adjacent properties provide parking for multiple businesses in this shopping center.
- The site complies with current parking requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 343 new vehicle trips per day.
- Based upon ITE data, the prior medical office use on this site would be expected to generate 58 weekday trips while the proposed new restaurant operation would be expected to generate 401 trips on weekdays.
- The site is near transit services with Hampton Roads Transit bus routes 1 (Granby) and 21 (Little Creek) operating at the transfer center adjacent to the site.

E. Impact on the Environment

- The existing shopping center consists of 9 properties under different ownership.
- Cross-easements in the front and rear of the property prohibit opportunities for additional landscaping, stormwater, or infiltration improvements to this site.

F. Impact on Surrounding Area/Site

- There were 22 calls for service made for this property over the past year, with no arrests made.
- By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Wards Corner Civic League, the Suburban Acres Civic League, and the Greater Wards Corner Business Association on October 27.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 3.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in The Virginian-Pilot on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 6:00 a.m. until 10:00 p.m., Monday through Saturday, and 7:00 a.m. until 3:00 p.m. Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be from 7:00 a.m. until 10:00 p.m. Monday through Saturday, and 7:00 a.m. until 3:00 p.m. Sunday.
- (c) The seating for the establishment shall not exceed 83 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.

- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (I) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map

Zoning Map

1000' radii map of similar ABC establishments

Application

Notice to the Wards Corner Civic League, Suburban Acres Civic League, and Greater Wards

Corner Business Association

Letter of Support from the Greater Wards Corner Business Association

Letter of Support from the Wards Corner Civic League

Proponents and Opponents

Proponents

None

Opponents

None

12/09/2015 lds

Form and Correctness Approved

Office of the City Attorney

Contents Approved:

By Servalle Revenling

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "THE PANCAKE HOUSE AND GRILL" ON PROPERTY LOCATED AT 7633 GRANBY STREET.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Nicholas B. Renesis authorizing the operation of an eating and drinking establishment named "The Pancake House & Grill" on property located at 7633 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 46 feet, more or less, along the western line of Granby Street, beginning 336 feet, more or less, from the northern line of West Little Creek Road and extending northwardly; property also fronts 46 feet, more or less, along the eastern line of Lankford Avenue; premises numbered 7633 Granby Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 6:00 a.m. until 10:00 p.m. Monday through Saturday and 7:00 a.m. until 3:00 p.m. on Sunday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages shall be limited to 7:00 a.m. until 10:00 p.m. Monday through Saturday and 7:00 a.m. until 3:00 p.m. on Sunday. No sale of alcoholic beverages outside the hours listed herein shall be permitted.
- (c) The seating for the establishment shall not exceed

- 83 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 99 people.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (g) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners,

operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (1) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

(a) The proposed use and development will be in harmony

with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;

- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect

of the proposed type of special exception use on the city as a whole;

- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting an eating and drinking establishment on this property, adopted on September 11, 2012 (Ordinance No. 44,845). All provisions and conditions previously approved and applicable to this property are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (3 pages)



EXHIBIT "A" Description of Operations Eating and Drinking Establishment

Date of Application 9-30-15

Trade name of business: THE PANCAKE HOUSE & GRILL				
Address of business: 7633 GRANBY ST				
Name(s) of business owner(s)* NICHOLAS B. RENESIS				
Name(s) of property owner(s):* KAREN B. RENESIS - Lilly Inc of Va				
Name(s) of business manager(s)/operator(s): MICHOLAS & KAREN RENESIS				
Daytime telephone number: (757) 489-100				
* If business or property owner is an LLC or Corporation, all partners must be listed.				
Proposed Hours of Operation:				
Facility Meekday From L: War To 10100 m Alcoholic Beverage Sales Weekday From To 10100 m To 10100 m				
Friday From 6:00 Am To 10:00 Fm Friday From 7:00 Fm To 10:00 Fm				
Saturday From 6:00 Am To 10:00 Pm Saturday From 7:00 Am To 10:00 Pm				
Sunday From Tico Am To 3:00 Pm Sunday From Tico Am To 3:00 Pm				
2. Seating (Approved floor plan must be attached)				
a. Indoor Number of seats \(\frac{15}{\infty} \) (not including bar seats) Number of tables \(\frac{24}{\infty} \)				
b. Outdoor Number of seats Number of tables				
c. Number of employees 16				
Total Occupancy (Indoor and Outdoor and employees)				

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Exhibit A Eating and Drinking Establishment Page 2

3.	Describe	e type tables and booth (i.e., rounds of 4, booth seats 6, etc.)		
	8	2-Tops _	9_4-Tops6 Tops	
	Other:			
4.	(Entertain	ment consi	entertainment be provided? sts of anything more than one, unamplified m pplication required)	iusician)
5.	Type of a ☑ Bee	alcoholic beverage applied for: eer ⊡Wine ⊡Mixed Beverage		
6.	Will video	eo games, pool tables, game boards or other types of entertainment be provided?		
	6a.	If yes, plea	se describe type and number of each game	to be provided:
	-			
7.	Will patro		charged to enter the establishment?	
	7a.	If yes, why		
	7b.	Which day	s of the week will there be a cover charge (ci	rcle all applicable days):
		Monday	Tuesday Wednesday Thursday F	Friday
		Saturday	Sunday	
8.	Will the fa		ortion of the facility be available for private pa	arties?
	8a.	If yes, expl	ain:	
		-		

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

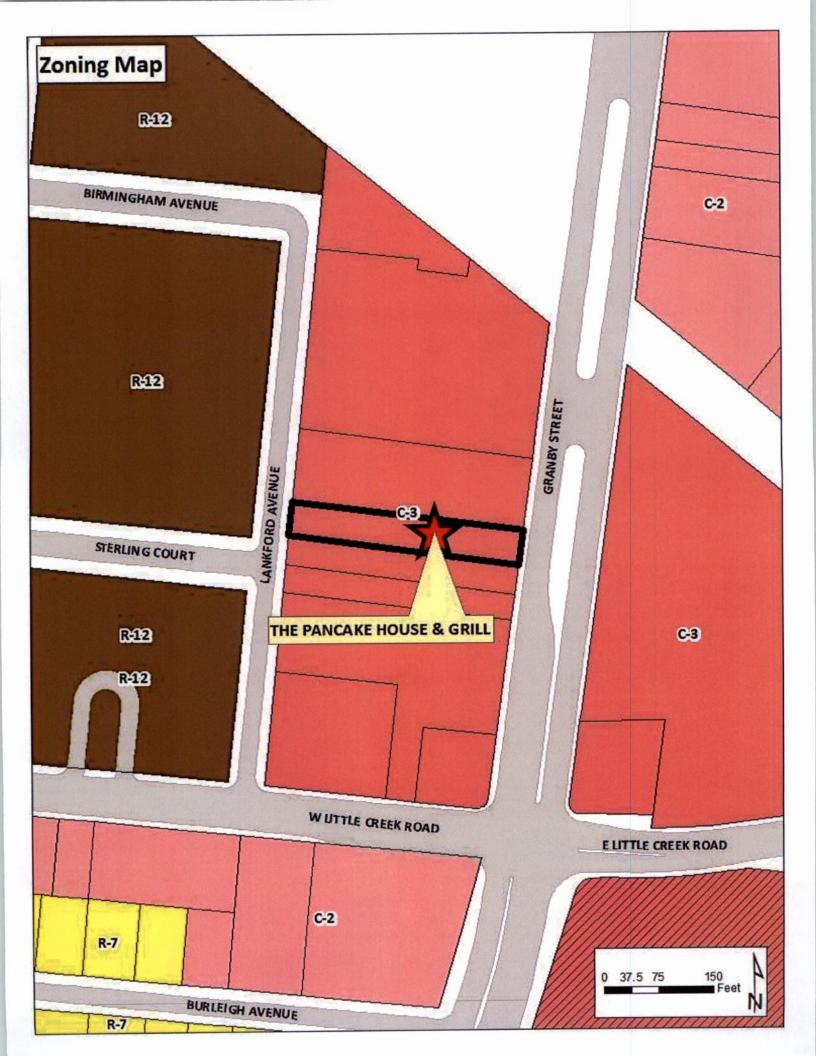
Exhibit A Eating and Drinking Establishment Page 3

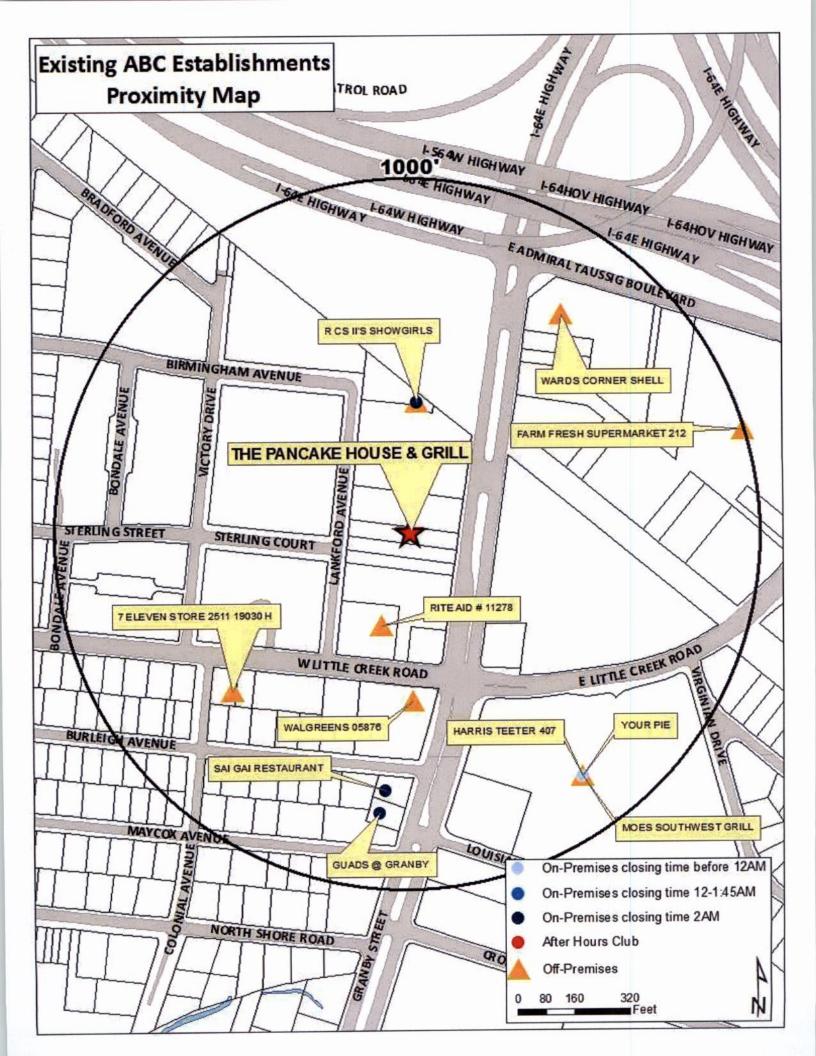
Will a thi ☐ Ye	ird party (promoter) be permitted to lease, let or use the establishment? S No
9a.	If yes, explain:
10. Type of ☑ O	ABC license applied for (check all applicable boxes): n-Premises Off-Premises (second application required)
11. Will the □ Ye	re ever be a minimum age limit? es ☑No
12. Addition	nal comments/description/operational characteristics:

Signature of Applicant

Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569









APPLICATION ADULT USE SPECIAL EXCEPTION EATING AND DRINKING ESTABLISHMENT

Date of Application:
DESCRIPTION OF PROPERTY
Property location: (Street Number) 7633 (Street Name) GRANBY STREET
Existing Use of Property RENOVATING TO MOVE
Current Building Square Footage 1600 50 FT
Proposed Use RESTAURANT
Proposed Building Square Footage 1600 So FT
Trade Name of Business (If applicable) THE PANCAKE HOUSE & GRILL
APPLICANT/ PROPERTY OWNER
1. Name of applicant: (Last) RENES IS (First) NICHOLAS (MI) B
Mailing address of applicant (Street/P.O. Box): 1075 ASSEMBL(D2
(City) VIRCEINIA BEACH (State) VA (Zip Code) Z3454
Daytime telephone number of applicant (157) 489-1060 Fax number (157) 200-072
E-mail address of applicant: THE PANCAKEHOUSENA @ EMAIL COM
2. Name of property owner: (Last) RENESIS (First) NICHOLAS (MI) B
Mailing address of property owner (Street/P.O. box): 1075 ASSEMBLY DC
(City) MEGINIA REACH (State) VA (Zip Code) 23454
Daytime telephone number of owner (151) 489-1200 Fax number (151) Z00-012 (

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 Page 2 CIVIC LEAGUE INFORMATION Civic League contact: Wards Corner Jim Fing Date(s) contacted: Ward/Super Ward information: REQUIRED ATTACHMENTS ✓ Check for \$265.00 made payable to Norfolk City Treasurer. √ 2 8½x14 copies of a survey or site plan drawn to scale showing: Existing and proposed building structures o Driveways o Parking Landscaping Property lines (see attached example). √ 2 8½x14 copies of a floor plan drawn to scale showing seats, tables, bar, dance floor area, disc jockey area, and ingress and egress (see attached example). ✓ Completed Exhibit A. Description of Operations. ✓ Please provide a brief description of the business (i.e., # of employees, current) locations, type of restaurant, etc...). CERTIFICATION: I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge: SIGNED: (Property owner or authorized agent signature)

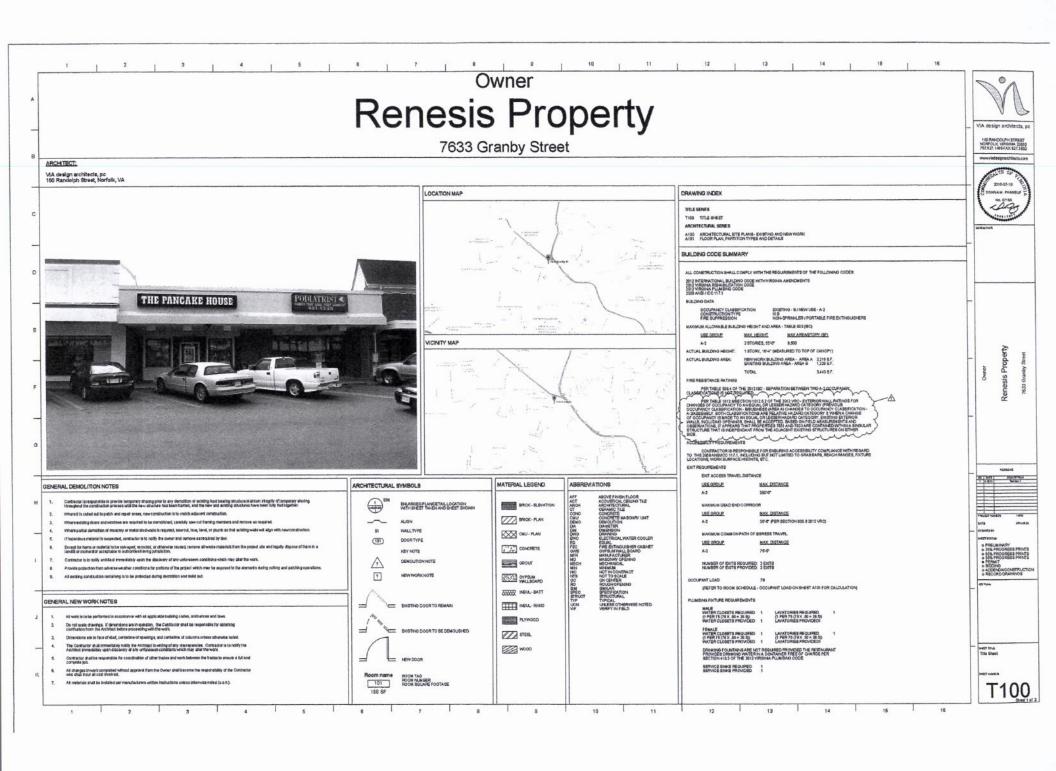
Application

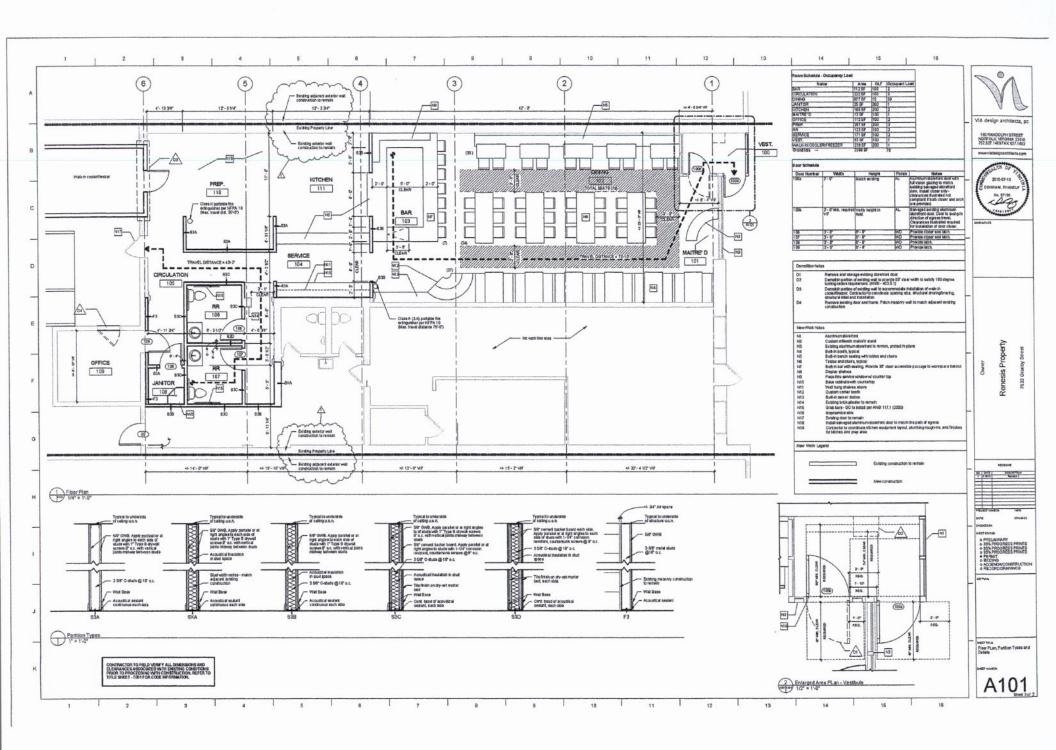
SIGNED:

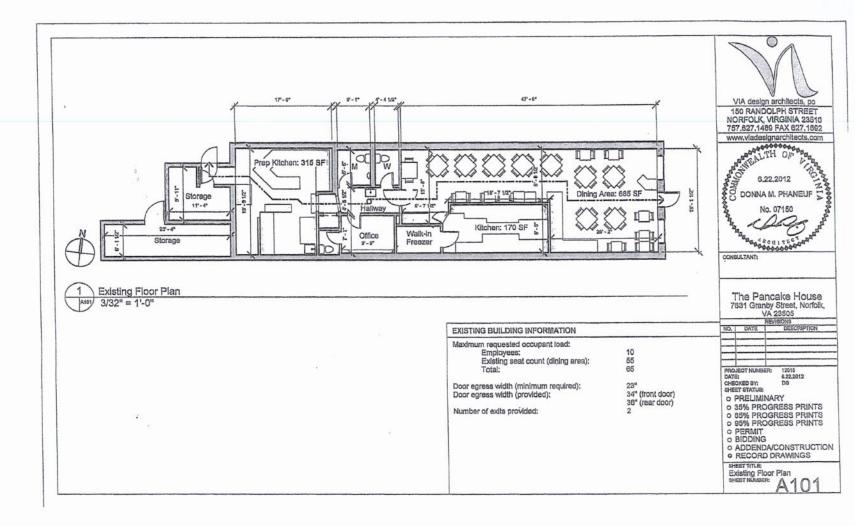
(Applicant signature)

Eating and Drinking Establishment

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

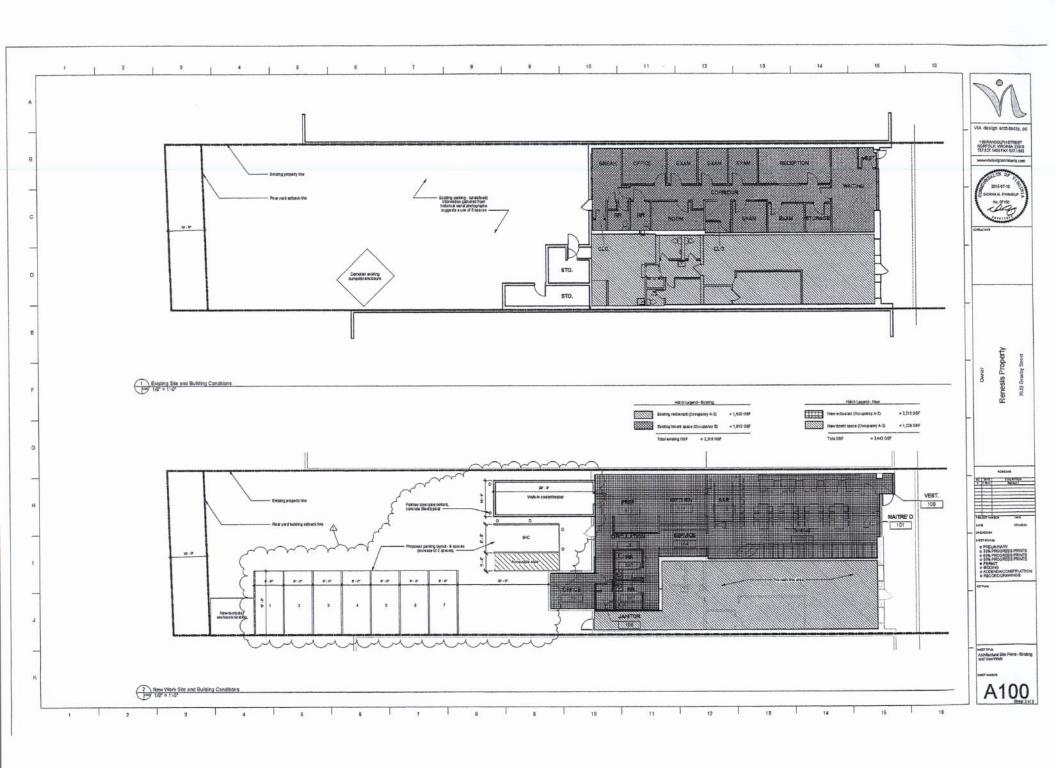


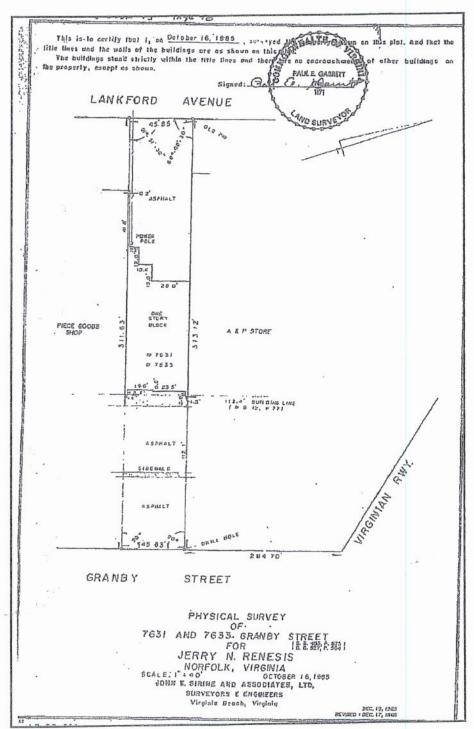




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SURVEY

Blough, Christopher

From:

Straley, Matthew

Sent:

Tuesday, October 27, 2015 3:13 PM

To:

ajim.english@gmail.com; saclpresident@gmail.com; gwcaba@cox.net Protogyrou, Andrew; Winn, Barclay; Ransom, Carlton; Blough, Christopher

Cc: Subject:

new Planning Commission application - 7631-7633 Granby Street

Attachments:

Pancake House.pdf

Mr. English, Mr. Janney, and Ms. Kalfus:

Attached please find the application to expand a previously granted special exception to operate an eating and drinking establishment at 7631-7633 Granby Street.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call Chris Blough at (757) 664-6771, christopher.blough@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569



Greater Wards Corner Area Business Association 301 Suburban Parkway Norfolk, Virginia 23505-4224 757-587-7975

December 9th, 2015

Christopher Blough Norfolk Department of City Planning 810 Union Street, Suite 508 Norfolk, Virginia 23510

RE: The Pancake House & Grill

Dear Mr. Blough;

As a native of Norfolk and one whose family has deep roots in the Ward's Corner community, I have a strong interest in our revitalization.

I remember the excitement of going to buy a new pair of shoes at Hofheimer, seeing the latest movies then sharing a family dinner at the Sai Gai Restaurant. It was a busting, vibrant shopping experience as families shopped, played and socialized together.

The Greater Wards Corner Area Business Association fully endorses the application for a liquor license by Nicholas & Karen Renesis. The Pancake House has proven its professionalism over the past 55 years as a landmark of Wards Corner and would continue that conduct while selling alcoholic beverages.

The Business Association welcomes the opportunity to assist in the creation of a desirable evening clientele by attracting a socially and economically advanced environment where people can enjoy an evening out. With the help of the city, the property owners and the merchants Wards Corner is beginning to reestablish itself as a shopping destination.

Most sincerely,

Blough, Christopher

From:

Ajim English <ajim.english@gmail.com>

Sent:

Thursday, December 10, 2015 8:30 AM

To:

Blough, Christopher; Martin Thomas Jr; ajim english

Subject:

The Pancake House and Grill

Martin,

This email serves as notice to you and the Planning Commission that the Wards Corner Civic League unanimously approved the adult use permit application for The Pancake House and Grill without any additional stipulations at its meeting in November. We welcome this business to the Wards Corner Business District.

Should you need any additional information please let me know.

Thanks,

Jim